

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

ORDER  
06-CR-292A

JOSE ELIAS MERCEDES,

Defendant.

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The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(A). The defendant filed motions to dismiss the indictment and to suppress evidence. On April 4, 2008, Magistrate Judge Scott filed a Report and Recommendation recommending that defendant's motion to dismiss be denied. On September 5, 2008, Magistrate Judge Scott filed another Report and Recommendation recommending that defendant's motion to suppress also be denied.

Defendant filed objections to the Reports and Recommendation, however they were subsequently withdrawn. The Court has carefully reviewed the Reports and Recommendations, the record in this case, and the pleadings and materials submitted by the parties.

Upon *de novo* review, pursuant to 28 U.S.C. § 636(b)(1), the Court hereby adopts the findings and recommendations of Magistrate Judge Scott and denies

defendant's motions to dismiss the indictment and to suppress evidence for the reasons stated by Magistrate Judge Scott in his Reports and Recommendations.

SO ORDERED.

*s/ Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: March 10 , 2009